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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,322	05/10/2001	Lorenzo Casaccia	010317	5931

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER	
TORRES, MARCOS L	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
02/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com
kascanla@qualcomm.com
nanm@qualcomm.com

Office Action Summary	Application No.	Applicant(s)	
	09/853,322	CASACCIA ET AL.	
	Examiner	Art Unit	
	MARCOS L. TORRES	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *23* is/are allowed.

6)☒ Claim(s) *1-22,24-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11-5-09 have been fully considered but they are not persuasive.

2. Regarding applicant's representative [hereinafter applicant] arguments that Siwko teaches mobile station as not being part of Siwko network; the Siwko document provided by the applicant in the IDS filed 12-23-03 only contains pages 1150-1155, the examiner is unable to verify pages 351-352. The examiner invites the applicant to submit the mentioned pages for consideration.

3. Regarding applicant's arguments that Siwko does not teach call blocking by foregoing origination of the call request, the rejection on record does not relies on Siwko to teach this limitation, please see Bhatia for this limitation.

4. As to applicant argument that Redden all the receiving happens at either the satellite or at the mobile station, it is noted that same portion cited by applicant shows that communication node broadcast the parameter to the mobile station, thereby updating and adjusting at the mobile station.

5. Also, applicant asserts that Bhatia fails to teach "receiving at a mobile station an initial call request block probability … adjusting at the mobile station said initial call request block probability based on said elapsed time, said adjusted call request block probability identifying when the mobile station block a call request by foregoing origination of the call request, the examiner reminds the applicant that one cannot show

nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Siwko discloses adjusting a initial call request block probability based on said elapsed time as shown in the current rejection; Redden discloses receiving at a mobile station an indication that the call request is going to be block as shown in page 14 and Bhatia discloses using a broadcasted indication according a priority identifying when the mobile station block a call request by foregoing origination of the call request (see col. 2, lines 38-53, col. 4, lines 34-41). Therefore, the combination of the would bring a mobile station receiving indications that a call request may be block due to priority, loading, etc. using the calculation of Siwko.

6. The rest of the arguments they fall for the same reasons as shown above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-4, 6-10, 12-16, 18-20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Siwko (NPL XP-001017264) in view of Redden (EP 0658014) and further in view of Bhatia.

As to claim 1, Siwko discloses a communication system using a method for blocking call request comprising: receiving an initial call dropping probability factor in a calculation to determine call admission or blocking, wherein the probability is determined by a network element; determining an elapsed time from an effective time of said initial probability; adjusting said initial call request block probability based on said elapsed time (see sections II-IV). Siwko fails to disclose receiving at a mobile station an initial call request block probability. In an analog Redden discloses receiving at a mobile station an initial call request block probability (see page 14, lines 4-22), thereby letting know to the mobile station about the call request block. Therefore, it would have been

obvious to one of the ordinary skill in the art at the time of the invention to add these teaching to the Siwko system for the simple purpose of maintaining the quality of service by managing the network resources.

Siwko discloses that the receiving and adjusting occur at network element [note that network element can be any element connected to the network, including the mobile device] as pointed by the applicant, but it is silent regarding at which element is doing those task. In another analogous art, Bhatia discloses a mobile device that receives a broadcast message which identify when the mobile station blocks a call request by foregoing origination of the call request (see col. 2, lines 38-53, col. 4, lines 34-41). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to let the mobile station know when it is possible to transmit and make a call, without the need of the mobile station transmit when the wireless resources are not present, thereby efficiently managing the finite wireless resources.

As to claim 2, Siwko discloses the method wherein said adjusting includes decreasing said initial call request block probability (see section III formulas).

As to claims 3 and 20, Redden discloses the method further comprising: using said adjusted initial call request block probability to block a call request at a mobile station in said communication system (see page 14, lines 4-22).

As to claims 4, 10 and 16, Siwko discloses the method of receiving a time stamp associated with said probability; using said time stamp for determining said elapsed time (see sections II-III).

As to claim 6, Siwko does not disclose the following limitation taught by Redden. discloses Redden discloses the method wherein said adjusted initial call request block probability allows fewer numbers of mobile stations to initiate call requests than a number of mobile stations allowed to initiate call requests at a time of said initial call request block probability (see page 13, lines 51-56).

As to claim 7, Siwko does not disclose the following limitation taught by Redden. Redden discloses the method further comprising: receiving a time period value, wherein said adjusting occurs at least once during a time period substantially equal to said time period value (see page 12, lines 48-50).

Regarding claims 8-9, 12-13 and 19, they are the corresponding apparatus claim of method claim 1, 3, 6-7. Therefore, claim 8 are rejected for the same reason shown above.

Regarding claims 14-15 and 18 are the corresponding system claim of method claim 1, 3 and 7. Therefore, claim 14-15 and 18 are rejected for the same reason shown above.

Regarding claim 24 is the corresponding means plus function claim of method claim 1. Therefore, claim 24 is rejected for the same reason shown above.

Regarding claim 25 is the corresponding storage medium claim of method claim 1. Therefore, claim 25 is rejected for the same reason shown above.

11. Claims 5, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siwko in view of Redden (EP 0658014)and further in view of Bhatia as applied to claims 1-2, 4, 8, 10, 14, 16 and 19 above, and further in view of Weishaupt (U.S. Patent 4,493,102).

As to claims 5, 11 and 17, Siwko discloses everything claimed as explained above except for the method of receiving a call request block termination time; terminating a call request block performed based on said adjusted initial call request block probability in a gradual process from said effective call request block termination time. Redden discloses receiving a call request block termination time; terminating a call request block (see page 11, lines 43-46). Weishaupt disclose using a gradual process (see col. 1, lines 59-66). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings in order to preserve the quality of service.

12. Claim 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redden in view of Siwko, and further in view of Bhatia

As to claim 21, Redden discloses a communication system, an apparatus comprising: a receiver configured for receiving at the mobile station call request block (admission/refusal) information as specified by a network element, and a processor configured for determining said call request block information, wherein the block probability is determined by a network element (see page 14, lines 4-22). Redden does not specifically disclose wherein the call request block information is a percentage of calls to be blocked and adjusting said call request block information. In an analogous

art, Siwko discloses wherein the call request block information is a percentage of calls to be blocked and determining elapsed time of the call request block probability and adjusting said call request block information (see sections II-IV). Therefore, it would have been obvious to one of the ordinary skill in the art to determine the elapsed time and adjust the parameters accordingly since the parameters and conditions are not constants and change with time.

Siwko discloses that the receiving and adjusting occur at network element [note that network element can be any element connected to the network, including the mobile device] as pointed by the applicant, but it is silent regarding at which element is doing those task. In another analogous art, Bhatia discloses a mobile device that receives a broadcast message which identify when the mobile station blocks a call request by foregoing origination of the call request (see col. 2, lines 38-53, col. 4, lines 34-41). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to let the mobile station know when it is possible to transmit and make a call, without the need of the mobile station transmit when the wireless resources are not present, thereby efficiently managing the finite wireless resources.

As to claim 22, Redden discloses the apparatus wherein said processor is further configured to use said adjusted initial call request to block a call (see page 14, lines 4-22).

Allowable Subject Matter

13. Claim 23 is allowed.

14. The following is a statement of reasons for the indication of allowable subject matter: A method for blocking a call request at a mobile station, the method comprising: receiving at the mobile station an initial call request block probability, the initial call request block probability being a percentage of calls to be blocked as specified by a network element; receiving at the mobile station a time stamp and a time period associated with the received initial call request block probability; determining an elapsed time from an effective time of said initial call request block probability using the received time stamp; iteratively adjusting the initial call request block probability, the number of iterations being based on the ratio of the elapsed time to the received time period; generating a random number by the mobile station between minimum and maximum allowed values associated with the initial call request block probability; and blocking the call request at the mobile station based on a comparison of the randomly generated number and the adjusted initial call request block probability.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Marcos L Torres/
Examiner, Art Unit 2617